

NO. PD-1213-20

IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
3/24/2021  
DEANA WILLIAMSON, CLERK

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THE STATE OF TEXAS, Petitioner

V.

BOBBY CARL LENNOX a/k/a BOBBY CARL LEANOX, Respondent

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ON DISCRETIONARY REVIEW OF CAUSE NO. 06-19-00164-CR;  
SIXTH JUDICIAL DISTRICT COURT OF APPEALS AT TEXARKANA;  
CAUSE NO. 28256; SIXTH DISTRICT COURT OF LAMAR COUNTY

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**THE STATE OF TEXAS’  
MOTION FOR EXTENSION OF  
TIME TO FILE ITS  
BRIEF ON THE MERITS**

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**ATTORNEYS FOR STATE OF TEXAS**

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TO THE HONORABLE TEXAS COURT OF CRIMINAL APPEALS:

COMES NOW, the State of Texas (“the State”), by and through Gary D. Young, the elected county and district attorney of Lamar County, and the Lamar County and District Attorney’s Office, along with Jeffrey W. Shell, an attorney pro tem, files this motion to extend time to file its brief and, in support thereof, would respectfully show this Court the following:

I.

On or about December 18, 2020, the State filed its petition for review, and this Court received the appellate record from the Court of Appeals at, or about, the same time. This Court granted review on February 24, 2021.

## II.

As the petitioner, the State's brief is currently due on Friday, March 26, 2021. The State seeks an additional thirty (30) days in which to file its brief.

No previous extension has been requested by the State in the above-styled and numbered appellate cause.

## III.

After February 24<sup>th</sup>, counsel for the State was unable to prepare the State's brief on the merits because, during the week beginning on Monday, February 22<sup>nd</sup>, counsel prepared for status conferences and pleas on seventeen (17) criminal cases that were scheduled for a hearing on February 26, 2021. During the following week of Monday, March 1<sup>st</sup>, counsel for the State prepared for status conferences and pleas on eleven (11) criminal cases that were scheduled for a hearing on March 5, 2021.

During the following week of Monday, March 8<sup>th</sup>, counsel for the State prepared for status conferences and pleas on seventeen (17) criminal cases that were scheduled for a hearing on March 12, 2021. During this week, counsel for the State also prepared for a hearing on a motion to hold bond insufficient in cause number 29171 styled The State of Texas v. Farmer, which was held on March 9, 2021. Finally, counsel for the State

prepared cases for grand-jury proceedings, which were held on March 9, 2021. During the week of March 15<sup>th</sup>, counsel for the State was preparing an appellee's brief in cause number 06-20-00129-CR styled *Darrion Deshon Biggers v. The State of Texas* in the Sixth Judicial District Court of Appeals at Texarkana.

Since February 24<sup>th</sup>, the *attorney pro tem* (Jeffrey W. Shell) was assisting in the preparation of the above-mentioned brief in *Biggers* and was preparing a brief in cause number 05-21-00049-CR styled *Ex parte Anthony Tyrone Johnson* in the Fifth Judicial District Court of Appeals at Dallas (which was filed on March 18, 2021) and was preparing another brief in cause numbers 06-20-00067-CR and 06-20-00068-CR styled *Wilburn Elbert Horner v. The State of Texas* in the Sixth Judicial District Court of Appeals at Texarkana (which was filed on March 12, 2021).

Due to these circumstances, along with the continuing issues related to the COVID-19 pandemic, counsel for the State and the *attorney pro tem*, as co-counsel for the State, were unable to complete the legal research necessary to prepare the Brief on the Merits in the above-styled and numbered cause, thus necessitating this request for an extension of time. Insufficient time now remains to complete the State's Brief on the Merits; but if the time is extended thirty (30) days to Monday, April 26, 2021, the

State will, or should, have sufficient time for completion with the time as extended.

#### IV.

The purpose of this motion is not for delay, but so that justice may be had by all parties. Previously, this Court granted the respondent (Lennox's) motion for reasonable bail.

The State requests that an extension of time until Monday, April 26, 2021 be granted for the filing of the State's Brief on the Merits, or such time as this Court may deem appropriate.

#### **PRAYER**


WHEREFORE PREMISES CONSIDERED, the State of Texas prays that upon final submission, this Court grant the State's motion to extend time to file its brief until Monday, April 26, 2021; and for such other and further relief, both at law and in equity, to which the State may be justly and legally entitled.

Respectfully submitted,

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By:   
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**ATTORNEYS FOR STATE OF TEXAS**

## **CERTIFICATE OF CONFERENCE**

This is to certify that on the 23<sup>rd</sup> day of March, 2021, the *attorney pro tem*, as co-counsel for the State telephonically spoke with Mr. Troy Hornsby, the attorney for the respondent, and he had no opposition to this motion, or the State's request for a 30-day extension of time.

s/jeffrey w. shell

Jeffrey W. Shell

## **VERIFICATION**

STATE OF TEXAS §

§

COUNTY OF LAMAR §

BEFORE ME, the undersigned authority, on this day personally appeared Gary D. Young, who after being duly sworn stated:

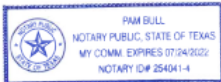
I am the attorney representing the State of Texas, as the petitioner, in the above-styled and numbered appellate cause. I am the elected County and District Attorney of Lamar County, Texas. I have read the foregoing Motion to Extend Time to File the State's Brief on the Merits and the facts and allegations contained are known to me, and known to me by co-counsel, and they are true and correct to the best of my knowledge.



Gary D. Young



Notary Public  
State of Texas



My Commission Expires: 07/24/2022

## **CERTIFICATE OF SERVICE**

This is to certify that in accordance with Tex. R. App. P. 9.5, a true copy of “The State of Texas’ Motion to Extend Time to File Brief on the Merits” has been served on the 23rd day of March, 2021 upon the following:

Troy Hornsby  
Miller, James, Miller & Hornsby, L.L.P.  
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GARY D. YOUNG

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Gary Young  
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Envelope ID: 51748669  
Status as of 3/24/2021 9:29 AM CST

Associated Case Party: STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule		Stacey.Soule@SPA.texas.gov	3/23/2021 3:23:51 PM	SENT

Associated Case Party: BOBBY CARL LENNOX A/K/A BOBBY CARL LEANOX

Name	BarNumber	Email	TimestampSubmitted	Status
Troy Hornsby		troy.hornsby@gmail.com	3/23/2021 3:23:51 PM	SENT